

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON OCTOBER 13, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
 William Seitz, Vice Chair
 Ryan Thum, Secretary
 Joel Donahue, Member
 Walt Haynes, Member
 Malvin Wells, Member
 Robert Miller, Member
 Frank Lau, Member
 John Tuttle, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Jamie MacLean, Development Planner
 Brea Hopkins, Planning & Zoning Technician
 Marty McMahon, County Attorney

Absent: None

APPROVAL OF AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Miller, and unanimously carried the agenda was approved.

PUBLIC ADDRESS:

Mr. Rice opened public address. There being no speakers the public address was closed.

PUBLIC HEARING:

Request by **Bryan & Katie Katz** to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), with possible proffered conditions, to allow an office for bus operations with an apartment. The property is located at 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and is further identified as Mixed Use within the Belview Village Plan.

Mr. Rice introduced the request.

Mr. Sandy stated the request was to rezone property located along Route 114. He reviewed the maps and photos of the property. The property is located within the Belview Village and is defined as a mixed use area. The building has recently been renovated. One side of the building is proposed to be used as an apartment with the other side being used as offices for University Travel. The property was previously used for "John's Auto Sales" and the lot is gravel. A business had not operated on the property within 2 years; therefore, the nonconforming use was terminated. University Travel located at the property and

began storing buses onsite. Based upon complaints regarding noise and dust, a notice of violation was issued requesting the cease of business use and removal of the buses from the property. The parking of large commercial buses requires Manufacturing (M1) zoning; however, that is not an appropriate zoning designation for the Village of Belview. The owner would like bus storage/parking to be considered an allowable accessory use in the Community Business (CB) district. The buses are stored on site when not in use. People do not board the bus on site. In July, VDOT stated the existing entrance is sufficient unless there is a change in use or intensity. Staff has requested an updated letter since the rezoning application was filed. A new letter dated October 13, 2010 confirmed their original decision; however, they reserved the right to change their determination. The site is served by public sewer and an onsite well. A 900 ft. extension of the water line would be required to connect to public water; however, the applicant does not intend to connect at this time. The storage of buses is not considered compatible with the surrounding area and rural character of the Belview Village. If the rezoning is approved, the intention of the applicant is that the buses would be an acceptable accessory use to the business; however, staff does not agree. The church has commented that there are no objections to the request. Mr. Katz has submitted some proffers excluding some of the uses that are allowed in the CB zoning district.

Mr. Thum stated there is a concern regarding parking buses on site.

Mr. Sandy stated the use does have a greater impact and does not seem to be allowed by the ordinance.

Mr. Thum asked if screening could be installed to mitigate the impact.

Mr. Sandy stated they would need to be parked on the gravel area unless there was a substantial amount of grading in the rear of the property. A fence may be installed; however, may not achieve the desired results.

Mr. McMahon stated parking of buses is not customary to office use. If rezoned the buses are going to be there and then we will have to go to court. Options are to deny the rezoning or to amend the ordinance to allow the bus parking. The complaints are all centered on the buses being on the property.

Mr. Seitz asked if it could be proffered to prevent parking at particular times of the day.

Mr. Sandy stated it was not because staff has determined the buses cannot be onsite for any period of time until the ordinance is amended.

Mr. Haynes stated the intent was to have the buses onsite and operate the business from the property.

Mr. Sandy stated he could rezone and have the office only but would have to park buses offsite.

Mr. Wells stated the noise and dust were issues for the neighbors. Those concerns result from parking buses; which the county attorney has deemed not allowable.

Mr. Donahue stated as presented the rezoning would not solve the entire problem of having the business because additional amendments and/or special use permits may be necessary to park the buses.

Mr. McMahon stated a proffer could be submitted to allow the buses once the ordinance is amended or a special use permit is obtained.

Mr. Katz stated that he would not meaningfully violate the zoning ordinance or the planning commission's decision. Any proffer that would make the planning commission comfortable is acceptable. The complaints are anonymous and may be vindictive against the business. The property was sold as a commercial property and was being taxed as commercial/industrial. Owners would like to use the property for an office for travel agency and bus coordination with attached apartment and parking lot as an accessory use.

Ms. Sara Brown discussed the operation of University Travel/All America Tours. The business operates primarily as internet and phone based business with limited public traffic. There are three (3) full time and seven (7) part time employees. If not allowed the business will have to be abandoned or relocated to

another county. The business will bring revenue to the county. An average of one (1) bus per day would be on site and sometimes will remain for a few days prior to moving. She noted they were attractive coaches and all were operable.

Mr. Katz stated the adjoining lot is zoned Community Business. There are not any plans for developing the property beyond its historic use as an office with apartment and parking lot. The property has been improved since it was purchased. Additional grass has been established around the apartment. The parking lot was used for vehicles for many years. A support statement has been signed by most area landowners. The estimated use is an average of 12 vehicle trips per day not including buses; therefore, traffic impacts are minimal. He noted revised proffers to reduce the uses allowed had been submitted in an effort to negate the need for public water. He noted he has attempted to adhere to county requirements. The issue of parking still needs to be addressed. He discussed the discrepancy between residential parking uses and commercial parking requirements. Buses are allowed in residential lots of 2 acres or more; however, are not allowed in commercial areas. In order to continue the process and allow the administrative functions of University Travel, he noted he was willing to proffer the following: There will be no overnight parking of tour buses on the property until such time that the planning commission has the opportunity to determine appropriate language that would specifically allow its use. He also stated he was willing to mitigate any impacts or concerns from neighbors.

Mr. Thum asked if the buses could be parked at the back of the lot or if the owner was willing to install landscaping/screening.

Mr. Katz stated that with weight of the buses and the amount of fill, engineering would be required making it cost prohibitive. He noted he was willing to look landscaping; however, would need to be feasible in aspects to moving the vehicles and allowing the church to use the parking lot for overflow.

Mr. Donahue noted there was not a contour interval noted on the site plan. He stated he felt a dustless surface is a fair suggestion for a proffer.

Mr. Rice opened the public hearing.

Mr. Greg Miller, adjoining owner, stated he supported the request to allow the business to operate. The dust was worse when the car lot was there. The buses are further off the road than the cars. Access to the rear of the property is not feasible. None of the adjoining owners have indicated opposition. The Planning Commission should consider changing the ordinance to allow the bus parking if necessary. The new owners have fixed the structure and added grass to the front of the property improving the appearance. This is one of the best uses possible for this property. He stated he had never noticed the noise from the buses and that it was a lot quieter than the tractor trailers on the road. If the buses come in at night the drivers purposely pull in instead of backing in to prevent the backup beepers from sounding.

Mr. Sam Young, stated he had lived in the area for years. He has not heard the buses. The owners have worked hard improving the property and it looks very nice. The business is an asset to the county.

There being no further comment the public hearing was closed.

Mr. Miller commended Mr. Katz for his presentation. He noted that he appreciated Mr. McMahon's proposed solution and Mr. Katz response with a proffer to prevent the parking of buses until the zoning ordinance can be amended to allow the buses as by right accessory use or by an approved special use permit. He noted he did not concur about paving because gravel allows for more water absorption.

Mr. Tuttle stated he opposed paving the lot because the dust is not a huge issue. There will be a large amount of runoff if paved. Route 114 has more noise than the buses could produce. He noted he would be in favor of an ordinance amendment to allow the parking of buses.

Mr. Haynes stated he also had no concerns regarding the use of the property; however, it needed to be done legally. The business is a benefit for the area.

Mr. Rice stated the property was more aesthetically pleasing. He concurred with the idea to approve the rezoning contingent on the proffer that was offered by Mr. Katz.

Mr. Lau stated anonymous complaints should be rejected. He noted that he drove buses part time and when moving them; you cannot hear the backup beepers. Motor coaches are not noisy and are very nice for trips.

Mr. Donahue stated the proposed rezoning is appropriate for that area.

On a motion by Mr. Thum, seconded by Mr. Seitz, and carried by an 9-0 vote the Planning Commission recommended approval of the request by Bryan & Katie Katz to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), to allow an office for bus operations with an apartment with the following proffers being submitted in writing:

1. The following "by right" uses in Community Business (CB) district are voluntarily excluded:
 - Business or Trade School
 - Cemetery
 - Community Center
 - Conference or Training Center
 - Crematorium
 - Custom Meat Cutting, Processing, Sales
 - Funeral Home
 - Homeless Shelter
 - Library
 - School
 - Telecommunications Tower, attached
2. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
3. No commercial buses shall be parked or stored on the property until such time that the Montgomery County Zoning Ordinance is amended to either specifically allow the parking of large commercial buses as a permitted accessory use by right in the Community Business (CB) zoning district or when the property owner is allowed by special use permit approved by the board of supervisors.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Sandy noted that invitations for the annual planning commission dinner had been sent to the commission members. Those wishing to attend should advise staff.

There being no further business, the meeting was adjourned at 8:25 pm.